

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD ALLISON,

Plaintiff

v.

CLARK COUNTY DETENTION CENTER
MEDICAL DEPT.,

Defendant

Case No. 2:21-cv-00126-APG-NJK

ORDER

I. DISCUSSION

On January 22, 2021, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a notice of lawsuit of discrimination. Docket No. 1-1. Plaintiff has not filed a complaint or an application to proceed *in forma pauperis* in this matter.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **March 26, 2021** to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a complaint and a fully

1 complete application to proceed *in forma pauperis* containing all three of the required documents,
 2 or in the alternative, pay the full \$402 filing fee for this action, on or before **March 26, 2021**.
 3 Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff
 4 is unable to file a complaint and a fully complete application to proceed *in forma pauperis* with all
 5 three required documents or pay the full \$402 filing fee on or before **March 26, 2021**, this case
 6 will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when
 7 Plaintiff is able to file a complaint and able to acquire all three of the documents needed to file a
 8 fully complete application to proceed *in forma pauperis* or pay the full \$402 filing fee.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 10 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all
 11 three documents needed to submit with an application to proceed *in forma pauperis*. Alternatively,
 12 Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the
 13 full filing fee of \$402 on or before **March 23, 2021** to proceed with this case.

14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to this
 16 Court on or before **March 26, 2021**.

17 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved
 18 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court
 19 will also send Plaintiff a copy of his notice of lawsuit of discrimination, Docket No. No. 1-1.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
 21 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 22 information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before **March 26, 2021**, Plaintiff will either pay
 24 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
 25 administrative fee) or file with the Court:

- 26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
 27 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
 28 3),

- 1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
2 (i.e. page 4 of this Court's approved form), and
3 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
4 **six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully complete
6 application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee
7 for a civil action on or before **March 26, 2021**, this case will be subject to dismissal without
8 prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is
9 able to file a complaint and has all three documents needed to file a complete application to proceed
10 *in forma pauperis* or pays the full \$402 filing fee.

11 IT IS SO ORDERED.

12 DATED: January 25, 2021.

13
14 
15 _____
16 NANCY J. KOPPE
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28